

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **MICROPORATION OF TISSUE FOR DELIVERY OF BIOACTIVE AGENTS**, the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 31, 2002 as United States Application Serial No. _____

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
09/331,124	U.S.	August 12, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
08/778,415	U.S.	December 31, 1996	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of

35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
PCT/US97/24127	December 30, 1997	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)
 Mehran Arjomand (Reg No. 48,231)
 Erwin J. Basinski (Reg No. 34,773)
 Richard R. Batt (Reg No. 43,485)
 Jonathan Bockman (Reg No. 45,640)
 Barry E. Bretschneider (Reg No. 28,055)
 Tyler S. Brown (Reg No. 36,465)
 Mark R. Carter (Reg No. 39,131)
 Peng Chen (Reg No. 43,543)
 Thomas Chuang (Reg No. 44,616)
 Cara M. Coburn (Reg No. 46,631)
 Raj S. Davé (Reg No. 42,465)
 David Devernoe (Reg No. 50,128)
 Stephen C. Durant (Reg No. 31,506)
 Christopher B. Eide (Reg No. 48,375)
 Carolyn A. Favorito (Reg No. 39,183)
 Hector Gallegos (Reg No. 40,614)
 Debra J. Glaister (Reg No. 33,888)
 Bruce D. Grant (Reg No. 47,608)
 Douglas G. Hodder (Reg No. 41,840)
 Charles D. Holland (Reg No. 35,196)
 Jill A. Jacobson (Reg No. 40,030)
 Madeline I. Johnston (Reg No. 36,174)
 Ararat Kapouytian (Reg No. 40,044)
 Cameron A. King (Reg No. 41,897)
 Kawai Lau (Reg No. 44,461)
 Rimas T. Lukas (Reg No. 46,451)
 Michael J. Mauriel (Reg No. 44,226)
 Gladys H. Monroy (Reg No. 32,430)
 Kate H. Murashige (Reg No. 29,959)
 Catherine M. Polizzi (Reg No. 40,130)
 Robert Saltzberg (Reg No. 36,910)
 Debra A. Shetka
 David Smith (Reg No. 39,839)
 Stanley H. Thompson (Reg No. 45,160)
 Brenda J. Wallach (Reg No. 45,193)

Randolph Ted Apple (Reg No. 36,429)
 Laurie A. Axford (Reg No. 35,053)
 Shantanu Basu (Reg No. 43,318)
 Vincent J. Belusko (Reg No. 30,820)
 Kimberly A. Bolin (Reg No. 44,546)
 Irina E. Britva (Reg No. 50,498)
 Nicholas Buffinger (Reg No. 39,124)
 Robert K. Cerpa (Reg No. 39,933)
 Alex Chartove (Reg No. 31,942)
 Thomas E. Ciotti (Reg No. 21,013)
 Matthew M. D'Amore (Reg No. 42,457)
 Peter Davis (Reg No. 36,119)
 Karen B. Dow (Reg No. 29,684)
 Richard R. Eckman (Reg No. 42,504)
 Elisabeth M. Evertsz (Reg No. 50,304)
 David L. Fehrman (Reg No. 28,600)
 Deborah S. Gladstein (Reg No. 43,636)
 Kenneth R. Glick (Reg No. 28,612)
 John U. Han (Reg No. 45,565)
 Alan S. Hodes (Reg No. 38,185)
 Arthur S. Hsieh (Reg No. 48,247)
 Wayne Jaeschke, Jr. (Reg No. 38,503)
 Parisa Jorjani (Reg No. 46,813)
 Richard C. Kim (Reg No. 40,046)
 Lawrence B. Kong (Reg No. 49,043)
 Glenn Kubota (Reg No. 44,197)
 Hugh H. Matsubayashi (Reg No. 43,779)
 Robert S. McArthur (Reg No. 45,674)
 Philip A. Morin (Reg No. 45,926)
 Martin M. Noonan (Reg No. 44,264)
 Phillip Reilly (Reg No. 41,415)
 Robert E. Scheid (Reg No. 42,126)
 Terri Shieh-Newton (Reg No. 47,081)
 Kevin R. Spivak (Reg No. 43,148)
 Thomas L. Treffert (Reg No. P48,279)
 Michael R. Ward (Reg No. 38,651)

E. Thomas Wheelock (Reg No. 28,825)
Eric Witt (Reg No. 44,408)
David T. Yang (Reg No. 44,415)
George C. Yu (Reg No. 44,418)
Jie Zhou (Reg No. 52,395)

Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)
Peter J. Yim (Reg No. 44,417)
Karen R. Zachow (Reg No. 46,332)

and:

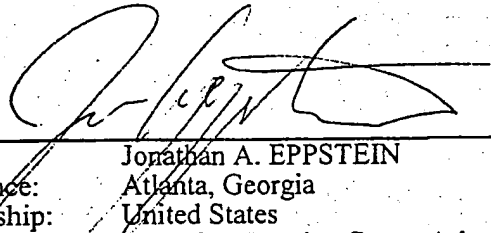
Please direct all communications to:

Raj S. Davé, Ph.D, J.D.
Morrison & Foerster LLP
1650 Tysons Boulevard,
Suite 300
McLean, Virginia 22102

Please direct all telephone calls to Raj S. Davé at (703) 760-7755.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10-30-02
Date


Name: Jonathan A. EPPSTEIN
Residence: Atlanta, Georgia
Citizenship: United States
Post Office Address: 2844 Jasmine Court, Atlanta, GA 30345

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 01:55 PM 11/20/2002
020715603 - 3582873

**CERTIFICATE OF AMENDMENT
OF THE
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION
OF
ALTEA DEVELOPMENT CORP.**

Under Section 242 of the Delaware Corporation Law

Pursuant to Section 242 of the Delaware Corporation Law of the State of Delaware, the undersigned, being the Secretary of Altea Development Corp., a Delaware corporation (the "Corporation") does hereby certify the following:

FIRST: The name of the Corporation is: Altea Development Corp.

SECOND: The Amended and Restated Certificate of Incorporation of the Corporation was filed with the Secretary of State of Delaware on November 8, 2002.

THIRD: The Amended and Restated Certificate of Incorporation of the Corporation is hereby amended to effect a change in Article One thereof, relating to the name of the Corporation, accordingly Article One of the Certificate of Incorporation shall be amended to read in its entirety as follows:

"ARTICLE ONE

The name of the corporation is Altea Therapeutics Corporation (hereinafter called the "Corporation")."

FOURTH: The amendment to the Amended and Restated Certificate of Incorporation of the Corporation effected hereby was approved by the Board of Directors of the Corporation and by written consent of the majority stockholders of the Corporation.

IN WITNESS WHEREOF, the undersigned affirms as true the foregoing under penalties of perjury, and has executed this Certificate this 20th day of November 2002.

ALTEA DEVELOPMENT CORP.

By 

Name: Donald Traut
Title: Secretary

BEST AVAILABLE COPY

RECORDATION FORM COVER SHEET
PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of Conveying Party:

1) Altea Development Corp.

☐ Additional names of conveying parties attached.

3. Nature of Conveyance

- ☐ Assignment ☐ Merger
☐ Security Agreement X Change of Name
☐ Other:

Execution Date: 1) November 20, 2002

2. Name and Address of Receiving Party(ies):

Name: Altea Therapeutics Corporation

Street Address: 2056 Weems Road

City, State, Zip: Tucker, Georgia 30084

☐ Additional name(s) and address(es) attached.

4. (A) Patent Application Number(s):

10/284,408

If this document is being filed together with a new application, the execution date of the application is:

☐ Additional Numbers Attached.

4. (B) Patent Number(s):

5. Name and Address of Party to whom Correspondence Concerning this Document Should be Mailed:

Name: Gary M. Nath
Address: NATH & ASSOCIATES
1030 15th Street, N.W. - 6th Floor
Washington, D.C. 20005

6. Total Number of Applications and Patents Involved:

1

7. Total Fee:

(37 CFR 3.41)

\$ 40.00

X Enclosed.

☐ Authorized to be charged to deposit account.

8. Deposit Account Number:

14-0112

ATTACH DUPLICATE COPY OF THIS PAGE IF PAYING BY DEPOSIT ACCOUNT.

DO NOT USE THIS SPACE

9. Statement and Signature:

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Name of Person Signing

Gary M. Nath
Gary M. Nath, Reg. No. 26,965
Derald L. Meyer, Reg. No. 41,194
Customer No. 20,529

March 28, 2003
Date

Attorney Docket No.: 25321-Y2

Total number of pages comprising cover sheet: 1

PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT ("Assignment") is made and entered into as of this 8th day of November, 2002, ("Effective Date"), by and between Altea Technologies, Inc. ("Assignor"), and Altea Development Corp. ("Assignee").

WHEREAS, Assignor and Assignee have entered into that certain Assignment, Assumption and Consent Agreement dated November 8, 2002 (the "Agreement"); pursuant to which Assignor has agreed, *inter alia*, to assign to Assignee certain of Assignor's assets including, without limitation, Assignor's rights in and to the United States patent(s) and application(s), if applicable, identified and set forth on Schedule A (the foregoing collectively referred to herein as the "Patent"); and

WHEREAS, pursuant to the Agreement, Assignee wishes to acquire and Assignor wishes to acquire such rights in and to the Patent;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, its successors and assigns, its rights in and to the Patent, for the United States and for all foreign countries, including any continuations, divisions, continuations-in-part, reissues, reexaminations, extensions or foreign equivalents thereof, and including the subject matter of all claims which may be obtained therefrom, and together with a right to sue and recover for any past infringements of the Patent, the same to be held and enjoyed by Assignee for its own use and benefit and for its successors and assigns.

EXHIBIT G-3

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's reasonable request and expense (including the execution and delivery of any and all affidavits, declarations, oaths, exhibits, assignments, powers of attorney or other documentation as may be reasonably required) in the implementation or perfection of this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks to record Assignee as sole owner of the Patent, including any continuations, divisions, continuations-in-part, reissues, reexaminations or extensions thereof.

This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

* * * * *

EXHIBIT G-3

IN TESTIMONY WHEREOF, the Assignor and Assignee have caused this Assignment to be signed and executed by the undersigned officers thereunto duly authorized this 8th day of January, 2003.

ALTEA TECHNOLOGIES INC.

By: 

Name: Jonathan Epstein

Title: President

ALTEA DEVELOPMENT CORP.

By: 

Name: Eric Tomlinson

Title: Chief Executive Officer

EXHIBIT G-3

STATE OF Georgia)
) ss:
COUNTY OF Gwinnett)

On this 8th day of January, 2003, there appeared before me Jonathan Epstein, personally known to me, who acknowledged that he signed the foregoing Assignment as his voluntary act and deed on behalf and with full authority of Altea Technologies, Inc.

Janice A. Baker
Notary Public

JANICE A. BAKER
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Mar. 14, 2006

STATE OF Georgia)
) ss:
COUNTY OF Gwinnett)

On this 8th day of January, 2003, there appeared before me Eric Tomlinson, personally known to me, who acknowledged that he signed the foregoing Assignment as his voluntary act and deed on behalf and with full authority of Altea Development Corp.

Janice A. Baker
Notary Public

JANICE A. BAKER
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Mar. 14, 2006

UNAVAILABLE COPY

SCHEDULE APatents

Australia			
AT 6.15	29840/99	3/5/1999	Method and apparatus for enhancing flux rates of a fluid in microporated biological tissue
AT 4.55	54799/00	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
Canada			
AT 3.35	2,259,437	7/3/1997	Method for enhancing permeability of skin for drug delivery and monitoring applications by multiple mechanical microporation
AT 2.15	2,276,312	12/30/1997	Microporation of tissue for the delivery of bioactive agents
AT 6.15	2,329,167	3/5/1999	Method and apparatus for enhancing flux rates of a fluid in microporated biological tissue
AT 4.55	2,376,368	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
China			
AT 4.55	008105146	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
European Patent Organisation			
AT 2.15	97952676.1	12/30/1997	Microporation of tissue for the delivery of bioactive agents
AT 3.35	97936041.9	6/14/1999	Multiple mechanical microporation of skin or mucosa
AT 4.55	00939765.4	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
Japan			
AT 2.15	10-530298	12/30/1997	Microporation of tissue for the delivery of bioactive agents
AT 6.15	2000-534238	3/5/1999	Method and apparatus for enhancing flux rates of a fluid in microporated biological tissue
AT 9.15	2000-534275	3/5/1999	Apparatus for electroporation through microporated tissue
AT 3.35	10-504488	6/14/1999	Method for enhancing permeability of skin for drug delivery and monitoring applications by multiple mechanical microporation
AT 4.55	2001-501298	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
Patent Cooperation Treaty			
AT 2.1	PCT/US97/24127	12/30/1997	Microporation of tissue for the delivery of bioactive agents
AT 39	PCT/US00/07344	3/21/2000	Method and apparatus for determining a duration of a medical condition
AT 4.5	PCT/US00/15979	6/8/2000	Apparatus for microporation of biological membranes using thin film tissue interface devices, and method therefor
South Africa			

EXHIBIT G-3

AT 4.55 therefor	2001/9966	6/8/2000			Apparatus for microporation of biological membranes using thin film tissue interface devices, and method
United States					
AT 1.2	08/152,174	12/8/1993	5,445,611	8/29/1995	Enhancement of transdermal delivery with ultrasound and chemical enhancers
AT 1.1	08/465,874	6/6/1995	5,722,397	3/3/1998	Enhancement of transdermal monitoring applications with ultrasound and chemical enhancers
AT 3 mechanical microporation	60/021,212	7/3/1996			Method for enhancing permeability of skin for drug delivery and monitoring applications by multiple
AT 33	60/007,135	3/6/1998			Photothermal structure for biomedical applications, and method therefore
AT 4	60/092,731	7/14/1998			Integrated device for collecting a micro-fluid sample and assaying of sample utilizing microlithographic bio-
AT 4.1	60/138,050	6/8/1999			Tissue interface devices and methods for microporation monitoring and delivery applications
AT 32	60/138,739	6/11/1999			Fluid management in a continuous fluid collection and sensor device
AT 32.1	60/139,970	6/18/1999			Fluid management in a continuous fluid collection and sensor device
AT 30.1	60/140,252	6/18/1999			System and method for continuous analyte monitoring
AT 30.2	60/140,285	6/18/1999			System and method for continuous analyte monitoring
AT 4.25	09/353,130	7/14/1999	6,352,506	3/5/2002	Controlled removal of biological membrane by pyrotechnic charge for transmembrane transport
AT 2.15	09/331,124	8/12/1999			Microporation of tissue for the delivery of nucleic acids
AT 4.4	09/590,787	6/8/2000			Apparatus for microporation of biological membranes using thin film tissue interface devices, and method
AT 44	60/300,161	6/21/2001			Devices and methods for transdermal drug delivery using acoustic energy
AT 45.2	09/916,123	7/25/2001			Fluid jet blood sampling device and method
AT 23	60/337,859	11/8/2001			Piezoelectric pump devices for vacuum generation in a fluid harvesting device
AT 43	60/363,022	3/11/2002			Patch system
Abandoned					
United States					
AT 28	08/767,738	12/16/1996			Enhancement of transdermal monitoring applications with ultrasound and microporation
AT 45	08/869,214	6/4/1997			Fluid jet blood sampling device and methods
AT 47 wearable medical devices	60/139,982	6/18/1999			Use of interstitial fluid sampling in conjunction with fluorescein administration and power sources for
AT 47.1 wearable medical devices	60/140,282	6/18/1999			Use of interstitial fluid sampling in conjunction with fluorescein administration and power sources for
AT 45.1	09/495,937	2/2/2000			Fluid jet blood sampling device and methods
AT 47.2 wearable medical devices	09/594,450	6/15/2000			Use of interstitial fluid sampling in conjunction with fluorescein administration and power sources for

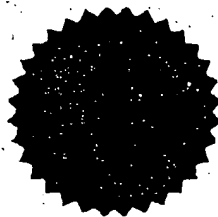
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ALTEA DEVELOPMENT CORP.", CHANGING ITS NAME FROM "ALTEA DEVELOPMENT CORP." TO "ALTEA THERAPEUTICS CORPORATION", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF NOVEMBER, A.D. 2002, AT 1:55 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

3582873 8100

AUTHENTICATION: 2101183

020715603

DATE: 11-20-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 01:55 PM 11/20/2002
020715603 - 3582873

CERTIFICATE OF AMENDMENT
OF THE
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION
OF
ALTEA DEVELOPMENT CORP.

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FIRST: The name of the Corporation is: Altea Development Corp.

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THIRD: The Amended and Restated Certificate of Incorporation of the Corporation is hereby amended to effect a change in Article One thereof, relating to the name of the Corporation, accordingly Article One of the Certificate of Incorporation shall be amended to read in its entirety as follows:


"ARTICLE ONE

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FOURTH: The amendment to the Amended and Restated Certificate of Incorporation of the Corporation effected hereby was approved by the Board of Directors of the Corporation and by written consent of the majority stockholders of the Corporation.

IN WITNESS WHEREOF, the undersigned affirms as true the foregoing under penalties of perjury, and has executed this Certificate this 20th day of November 2002.

ALTEA DEVELOPMENT CORP.

By: 
Name: Donald Traut
Title: Secretary

BEST AVAILABLE COPY